

REMARKS

DETAILED ACTION

Claim Rejections – 35 USC § 103

Claims 1, 5, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov et al (US 6,560,320).

Consider claim 1. Darby teaches a handheld wireless device comprising: telephone, (*Darby teaches the device incorporating mobile phone capabilities as described in paragraphs 10, 16 and 44*);

internet access (*Darby describes the internet capabilities of the device in paragraphs 10, 41, 44*); and

video (*Darby teaches the device having video capabilities as described in paragraph 31 and 44*);

wherein said device is connected to a host computer (*Note that, of course, Darby's internet connection would also involve connection to a host computer server. However, Darby's primary teaching is of the device connecting to a call center agent which can be implemented in computer software and displayed as a user selectable animation as described in paragraph 31*).

and said device being protected by a password (*Darby describes the password protection feature in paragraph 27*).

Note that Darby's device includes an earpiece (*Darby teaches a speaker earpiece in paragraph 15*) and display panel (*Darby teaches a touch sensitive display in paragraph 15*) and display panel (*Darby teaches a touch sensitive*

display in paragraph 15). Darby lacks a teaching of the display panel being customizable and the device including a stylus. In a similar application arrangement of providing an interactive display unit for telephone services, Paleiov teaches customizable keys (*Paleiov see especially the user display shown in figure 1, as item 38, Paleiov describes the use of custom graphic keys in column 6, lines 15-20 and 55-65*). Paleiov notes that the custom display allows service providers to better construct the graphic applications, allowing for faster more efficient service with enhanced functionality. (*Paleiov teaches the advantages of the custom graphic keys providing faster more efficient service with enhanced functionality on column 2, lines 26-45*). It would have been obvious to one of ordinary skill in the art to modify Darby to provide customizable keys in order to allow the service provider to better construct the graphic applications allowing for faster more efficient service with enhanced functionality as taught by Paleiov. Darby lacks a teaching of the device including a stylus. Note that Paleiov also teaches use of a stylus (*Paleiov see especially column 6, lines 45-55*). It would have been obvious to one of ordinary skill in the art to modify Darby to use a stylus as taught by Paleiov in order to allow the users of the device to more easily pick out the touch sensitive keys.

Darby lacks a teaching of the device being waterproof. Irizarry teaches a waterproof case for a cellular telephone (*Irizarry shows the waterproof case in figure 4 and describes it in column 3, lines 15-65*). Irizarry teaches the case will prevent damage to the phone even during a drop into water (*Irizarry describes*

the advantages of the waterproof case on column 2, lines 1-25). It would have been obvious to one of ordinary skill in the art to modify Darby to provide a waterproof case for the device in order prevent water damage even if the device were dropped into water as taught by Irizarry. Note that a case that would prevent entry of liquid would also prevent sand particles from intruding into and damaging the device.

Note that Darby's device has stored in it numbers which would be of interest to a guest. Note that Darby's device is considered for use by hotels (*Darby describes it's use as a hotel room information appliance at the end of paragraph 31 and in paragraph 44. Darby teaches the pocket concierge being loaded with the internal phone directories in paragraph 45).* Darby lacks a teaching of the device being loaded with all numbers that would be of interest to a user. It would have been obvious to one of ordinary skill in the art to load the hotel directory with all number that would be of interest in order to increase the usefulness of the device for users.

Applicant has amended the claims to require that the device transfers calls from a room phone to the device of the present invention. The Examiner has previously argued that Roder teaches that is well known to transfer a phone call from one phone to a mobile phone. The difference is in that the present invention requires the transfer from a phone which is not owned by the user but is owned by the guest facility and the user of this phone changes whenever the user leaves the guest facility. Roder teaches transferring calls form a user's

phone to a user's mobile phone. None of the prior art including Darby, Paleiov or Roder teaches that a device can receive phone calls from a guest facility phone, nor is this obvious based on the reasons stated above. The Examiner has withdrawn Irizarry as a reference. The Examiner previously stated that this reference taught the phone could be waterproof. There is no reference which teaches this.

For the reasons stated above for Claim 1, all of the other claims are not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

"EXPRESS MAIL" Mailing Label No. EM 109158128 US
Date of Deposit: October 10, 2007
I hereby certify that this paper (and any document(s) attached herewith
Is being deposited with the United States Postal Service "Express Mail
Post Office to Addressee" service under 37 C.F.R. 1.10 on the
date indicated above and is addressed to the Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313 on
October 10, 2007

Signature:

Name: Debbie Broderick

Respectfully submitted,



Philip M. Weiss

Reg. No. 34,751

Attorney for Applicant

Weiss & Weiss

300 Old Country Rd., Ste. 251

Mineola, NY 11501

(516) 739-1500

PMW:db